

DDDS Governor's Advisory Council
Medicaid Transition Day Services Work Group
May 6, 2015 10 a.m. – 12 p.m.

Committee Members Present: Teesie Bonk, Gary Cassedy, Marissa Catalon, Katina Demetriou, Susannah Eaton-Ryan, Brian Freedman, Lisa Furber, Terri Hancharick, Emmanuel Jenkins, John Mahon, Daniese McMullin-Powell, Barbara Monaghan, Kimberly Reinagel-Nietubicz, Thomas Rust, Angela Sipple, Sybil White and Gail Womble

Guests: Bill Monaghan, Vicki Haschak and Lisa Elias

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Female: Susannah Ryan, chair of the committee. The ARC of Delaware.

Male: Jenkins cochair and DDDS staff.

Female: Sybil white, governor's advisory council for exceptional citizens.

Female: Gail Womble, parent.

Female: Kimberly Reinagel-Nietubicz, controller of governor's office.

Male: John (Indiscernible).

Female: Sherry (Indiscernible), GC.

Female: Barb Monaghan, Delaware people first.

Female: Denise McMullen, state council for persons with disabilities.

Male: Gary (Indiscernible).

Female: (Indiscernible).

Female: Angie Simple, GAC.

Female: Lisa Furber, community (Indiscernible) society.

Female: Marissa Catalon from DWS.

Female: I have one change to the agenda, Brian's requested to go first. So when we get through most of this, if everyone is okay. We'll let Brian and Terry Hencheck work through their stuff. Does anybody object to that?

Female: No.

Female: Okay. Everybody's good.

Meeting rules. Barb?

Female: Okay. Say your name prior to speaking. Turn off your cell phone. Once one person speaks at a time. Start and ending meeting on time. Be prepared. Be present. Stick to the agenda. And -- I guess, that's it.

Female: That's it.

Female: Excellence. We'll all stick to those rules. Right?

Female: Yep.

Female: Emmanuel?

Male: Where it goes? Provide DDDS with recommendations for the day service and (Indiscernible) tool.

Female: So hopefully today we're going to stick to that and we did a lot of debating last week and I know everyone, um, needed that, but, um, I'm afraid we're getting a little bit behind here. So I think we really need to work on the grid today and stay focused on the list of questions we're actually going to put

on our assessment.

Does anyone, have any comments on the minutes -- both the transcript and the minute that Lisa sent us this morning that Marissa kindly copied so everyone could see.

Female: I appreciate the succinctness of this.

Female: Me, too. Me, too.

Female: If you think the other things needed to be added, I mean, they were for our own internal use.

Female: Right.

Female: Vicky did ask me which one should be posted and I said the transcript is the one that should be posted. That's the official, do we need to approve the minutes? The transcript? Does anyone know that? I'll ask. I'll find out.

Female: I doubt it word for word.

Female: Yeah.

Female: You know.

Female: Okay.

Female: Denise.

Female: Are the minutes available?

Female: Yes. I sent out the minutes to everyone as soon as I got the transcript, and sent out, I can tell you when -- I believe it was.

Female: Yesterday.

Female: Yesterday.

Female: It was yesterday.

Female: The transcript. 47 pages.

Female: And these just came out this morning. Denise. So, we all got this copy this morning. The transcript is the official of our meeting. These are things -- well our plan was to have these out Friday, as late as Monday, we didn't achieve that last week, but Lisa's raising her hand and putting her thumb up that we're going to achieve it this week.

Female: We're going to achieve it this week. This was a very bad week for me. So -- I apologize.

Female: Okay. Marissa. You're up. We're that far along.

Female: Did you want to do Brian first?

Female: Ah, Brian?

Male: I'm okay. I just have until, I will be available until about 11:00 or so. And, and, it seems like after Marissa, what is next up on the agenda is the review. So I think it will work okay. To have Marissa go now.

Female: All right.

Female: Okay. This is Marissa Catalon. So following up from the two questions that were posed from last week's meeting. The first question was based on the answer from DDDS regarding a quote no on the assessment it appeared that a provider would have to have -- would have to be 100% in compliance and is that correct? The division response is no. Perhaps some items would require 100% compliance, such as items related to safety. But other items might still be determined to be in compliance with less than 100%.

The second question was -- how will a cost/expense to comply be included in the process. The division's answer is this work group has not been charged to address the cost or expense of compliance. As part of the remediation process, the division expects to look for potential common issues and look how to address those common issues. There were only two questions posed from last week. So that is the end of the questions and our answers.

Female: No comments? Denise?

Female: When I was reading over the plan, it said that, get it straight in my head.

[Laughter]

Um, that the faculties had to be 100% in compliance, but the deviations of the individuals according to their, their plan, and that a deviation could be made for that person, but the faculty itself doesn't have any room for noncompliance.

Female: Um, this is Susanna. Denise, that's a very good point. If we're going to quote the transition plan from the State of Delaware, we probably should refer to pages so people can look at it. I think that would be really helpful. Because, we all know some of it is open to interpretation. Some of it is very clear. But if we're all reading the same thing, then I think that gives us an opportunity to discuss it a little bit better. Don't you think, Denise. Do you know what page?

Female: Yeah. I agree, and I marked it all, but I didn't write down the page.

Female: Okay. Do you want to take a minute and we can see if someone else has something to add while you're looking for that?

Female: This is Marissa Catalon. So you know, it's difficult to answer these questions when we don't have the actual tool and the questions to look at. So you know, there's, there's -- both the question from last week, can the answer on the checklist be no and then this week, to clarify the no, again we're, we're trying to answer questions based on a tool we haven't even seen. So it's really hard to say, you know, exactly, right now that this is going to be expected when we don't have the tool to look at. So I'm hopeful that the group can take the, um, responses we're given in the spirit that is intended to attempt to try to, to -- provide some insight, but, maybe there might be more, um, concrete answers that could be provided once we actually look at the tool that you create.

Female: This is Kimberly. So would it be -- process wise, do you think it would be to put all of the questions in consideration together for the division to review and they'll come back with us which ones they feel should be 100% compliance, or 100% yes. Versus how, which ones may potentially be acceptable to some type of percent deviation?

Female: This is Marissa. That could perhaps be a strategy. At present, the division is required, just like any other state to submit reports to CMS regarding compliance. And for some of those items, less than 100% is acceptable. We have 86%, I think, for some of the questions. So perhaps that might be what we see for this. There isn't currently identified, um, what the, what the cutoff percentage will be, again, I think it is important to create the tool, let's look at the tool, and then we can perhaps answer questions based on the actual tool then assuming, perhaps what might be in this.

Female: This is Susanna. I had a question, very specific to that, which I had prior to, saying that, but now it becomes even more important. Once we submitted our recommendations are you going to come back to this group with your -- will DDS come back to the group and say here's what we think we are doing and allow us to comment on those changes? Or is it just gone once we recommend?

Female: I will take that back.

Female: Okay. So that's your first question?

Female: This is Denise, page 14 at the bottom.

Female: Thanks Denise. That is Susanna saying thanks, Denise.

[Laughter]

As we read more and more of the transcripts we realize how poorly we do at saying our names and getting things accurately put in there. So I'm going to speak lewdly and try to say my name every time. This is Susanna you're looking at the Delaware Statewide Transition Plan, page 14.

Female: And the top of 15.

Female: Okay.

And it says in here, I'm sorry. This is Susanna, and Denise, it says in here compliance has to be 100%?

Female: Yeah.

Female: It says any assessment results, this is Denise, that indicate approved deviation from the requirement on the community rule from specific members must be supported by the individual means -- or the waiver member has specified the centered plan where deviation is recommended the following standards must be met. And the first one is identification of a specific provision or individualized mean that is directly proportionate to the deviation that is recommended.

Female: Okay. I'm sorry. This is Susanna again. I'm confused, because I thought you said in here 100% compliance for -- um, the actual faculty. Did I mishear that?

Female: This is Denise, no. You didn't misunderstand. I assumed that since any deviation to the plan must be for the individual, that would indicate that they are getting deviations floating around and what was --

Female: This is Marissa. We talked briefly about this last week. Um -- um, if an individual, um, assessments -- um, there is a, um, ah, a modification of specific CMS requirements. Um, they have to go through this process, just what you outlined. There is all those steps that you have to go through in order for it to still be in compliance. So the question may be if you're looking at an individual assessment and they have gone through these steps that outlined in the plan and actually, it was a requirement by CMS. What you see on page 15 is right out of requirements from CMS. If you have gone through those and you have met those standards then you would find that person is compliance because you've met those standards. The difference may be, if you go through an assessment with an individual and you find that there's a modification and they haven't gone through those set of standards. Then perhaps we're not in compliance with that person. Does that make sense?

Female: Um, this is Denise. That does make sense.

Female: Okay.

Female: And still relates back to how much deviation that you and the faculty and doesn't indicate in here anywhere that there can be just things that are there inherently. I don't know if I'm being clear or not.

Female: If you're talking -- right.

Female: If you're saying any deviation has to be based on a person's plan for the individual --

Female: This is Marissa. So there's, there's -- two distinct, you're talking about individualized service experience and you're talking about settings. So perhaps just as we had commented before, perhaps when you're talking about settings there may be less, um, allowance for deviation. You may be expecting in those questions to be 100%. But perhaps for individualized you may say less. Again, we're talking about a tool that has not yet been created. So it is hard to really exactly speak to it. But for individual experiences there is an allowance, that was set out by CMS, the standards on page 15 that you saw there, if you are net those things then a modification should be determined to be in compliance. If you haven't, then perhaps it is not in compliance.

Female: This is Denise. I agree.

Female: Okay.

Male: This is Gary. I agree with all that. But it does highlight the issue of the specificity that is expressed in the assessment tool. What we've seen thus far in the tools we looked at represents a wide variety of specificity, some of them are very general and broad, and some of them are extremely perspective if you will, applying frequency and things like that, that are well beyond what CMS expresses. So if the assumption is, you know, the 100% compliance, then we have an obligation to be really careful about how much we wander from what CMS actually requires. Because, there's a lot of interpretation expressed in the tools we've looked at. So I think Marissa is right. We really need to get down to brass tacks of what the items are before we can figure out where we stand in terms of this

compliance issue or how it is actually going to look on the ground.

Female: I, this is Susanna, I think the key phrase there, there is a lot up to interpretation. That's really the challenge we're facing in putting this together and how much, how much we leave open and how -- very specific we're going to be. So -- I think, you know, our task now is to get to actually looking at these questions side-by-side and saying okay. We prefer this kind of question to, while the questions the same, we prefer the wording of this. Obviously we're going to narrow it all down today and then we're going to wordsmith it. So that's really the, the -- the next task.

This is Susana, does anyone have any other questions regarding the feedback that we got from DDDS this morning? Emmanuel? Anything?

Male: No.

Female: No ma'am? Okay.

And anyone else at the table? We're all good with the response we got from DDDS.

Female: Yes.

Female: Okay. So let's move onto the next agenda item which is going to be reviewing the additional materials and Brian and Terry, it looks like you are up.

Female: Wait a minute.

Female: Oh, I'm sorry. Gail.

Female: You said this morning, I wanted to go back to -- um, the statement that, that DDDS staff would be doing the assessments and refer to page 14. Where it says the subgroup work, that's of the Delaware State Transition Plan, subgroup work of the advisory council, DDDS will conduct a look and a sample provider of assessment survey results.

Female: I'm sorry that is on there. I apologize.

Female: Uh-huh.

Female: Marissa.

Female: Right. So it's very clear, this is Marissa, it is very clear that the division is not expecting providers to be part of the process.

Just as this particular workgroup originated through the governor's advisory council, the expectation is laid out in the plan is a sub work group for the look behind process will be run through the governor's advisory council. So perhaps, um, the previous answer where it said state staff, the state is going to be part of identifying what that look behind team will be, who will be comprised of the, on the look behind team, it will be obviously, a discussion, though, that will take place through the governor's advisory council. Will not be providers, but it could be state staff, it could be self-advocates. It could be advocacy groups, it could be -- I don't think that, that committee has actually been defined.

Female: Okay. All right.

Female: This is Susanna, I will just offer this up, if you are any of the groups other than providers, because we're clearly not going to be a part of it, as was stated. If you are in any of the other groups and you want to be a part of this, now's the time, prior to the governor's advisory council deciding what it is going to be and DDDS deciding, let your voices be heard so that they will know that you feel that there's, there's some reason you should be at the table.

Female: Well, I think we, I would need to know how many faculties total and -- what are we planning to divide up three people per faculty, so you get a glimpse of whether you would be doing it for nine months or six weeks or something.

Female: I believe it is -- this is Susanna, I believe the timeline -- I'll just look. I believe it is right on the timeline how long that process will take place. The timeline from --

Female: Okay. Let me rephrase. I would like to know whether I'm going to do it five times or 10 times or what.

Female: Okay.

Female: Okay.

Female: It is three months by the way.

Female: Okay.

Female: September, October, month, November. Four months, excuse me. Accept through December. No. It's three.

Female: Three months.

Female: Thanks.

Female: This is Marissa, I would -- um, perhaps, think that it might be a topic you want to put on for the next governor's advisory council.

Female: Okay. Fine.

Female: Fine.

Female: Great, great.

This is Susanna is everyone satisfied with the answer to that? Barb, are you, do you know what they're talking about?

Female: No.

Female: Do you need any, any -- help on that.

Female: Yeah. I do.

Female: Okay. This part deciding what we're going to use, what's going to be used by everyone to determine if you're in compliance. The next part for people to go out and look and see if that's accurate. And the people that are going to do that are going to be decided by the governor's advisory council. That's who is going to decide who goes out and looks.

Female: Okay.

Female: Okay?

Clearer?

Female: Yeah.

Female: Okay.

Female: Okay.

Male: This is Brian. So one clarification question, it sounds like provides will not be included in that process, I apologize, I missed it, are there any other groups that are going to be excluded from that process? Um --

Female: This is Marissa. I, I, again, I think it is probably a topic that should be on the agenda for the next governor's advisory council. You know, I, I, I don't think that anything other than, um, ah, what was stated last week that providers would not be part of the process, has been determined at this point. I don't think there is anything in addition to that, that has been determined.

Male: Okay.

Female: Okay.

This is Susanna. Are we were ready to move onto reviewing additional materials? That would be Brian, you're up and Terry. And Lisa is going to put it up there I think.

Female: Yes.

Male: Great. Great. This is Brian. Is Lisa putting up what I had e-mailed to her?

Female: Yes.

Male: Okay. Great.

And the, um, so the conversation we just had about who is going to be conducting the assessment I think it is also permanent, it is important to consider while reviewing Minnesota's assessment, because there are certain elements of the assessment that I think will be helpful for people who might be less familiar

with the work that providers do. And I know that's, that's been a concern that has been voiced before by providers.

So I put out there, if providers aren't going to be a part of the process, and if perhaps some people are less familiar with the process that providers use, um, I think they bring, you know, make sure that they bring significant value to the assessment process and it will be really important that we find ways to make sure that they have an awareness of it. And some of that can be done through the assessment. Um, and with, with things like having definitions, which, which I did not highlight on here, but it is included on the Minnesota's assessment. Definitions of terms that are used throughout the assessment, that might be something you'd want to consider.

So what Terry and I did is we went through the assessments and highlighted elements of Minnesota's assessment that we felt, that we liked and we thought it would be good for our group to consider. That included some of the instructions that they used.

Female: This is Terry. Actually, Brian is being very kind. He did this --

[Laughter]

And I kind of read it and give some comments. So I kind of give credit where credit is due.

[Laughter]

Male: It is a disclaimer?

[Laughter]

Female: Yes. It is a disclaimer.

[Laughter]

It is not a disclaimer. He did a great job. I wish I could say I did it.

Female: That will be in the transcript.

[Laughter]

Male: Um -- I don't think we need to go through the instructions, but more so I think, I, I highlighted it because I thought it was good to offer a level of detail, especially depending on who was going to be conducting this. I also liked the fact that they noted in number five under instructions, you will see in the second sentence, immediate compliance with the new federal requirements is not required and just a reminder that there is going to be a transition period for providers who are not in immediate compliance with the new requirements.

So if you go to -- um -- they ask a lot of information about, um -- ah, the, the site itself that, I don't know if we'll need that or not. I didn't pay as much attention to that, starting with question six, um, they ask specific questions about the data services site. I don't know if we have come across these before in other assessments. But do you think they have relevance? We would need to talk about --

[Sneezing]

Male: Bless you.

Male: In terms of -- in terms of how they factor into compliance. That's not included on here. One of the things that also came out in general for this assessment, there were certainly some questions that were very specific for day services and others that were specific for pre vote and -- so you'll see in there are specific areas that lend themselves to one or the other. And I know that is something that our group is working on deciding.

So ah, one of the, the things I thought would be good for the group to talk about, was it asks about proximity of day services site to -- ah, things in the community, which I thought was a really interesting way -- understanding the level of access that clients have to the community. And show they, they measure it according to blocks, again, this is one of the things that, you know, it's not -- I don't know that you can necessarily determine if someone is in compliance or out of compliance with this, but it does, I think, give some, some interesting information to people that are reviewing this and, as we're looking at

services across the state about how, how close to the community people are, are during their day. Are they reliant on other transportation? Specifically transportation by the faculty? Which can be, can be challenging when you have plethora of individuals who were happens want to do different kinds of things during the day.

Female: Hmm.

Male: Um -- question -- 11 is -- um -- asks about underscripted use for certain areas. So again these, it got to, Gary mentioned earlier about a level of specificity, this is something that, is one of the few instruments to get to a certain level of specificity, so I think it is going to go important for us to consider. But I liked it because it really painted, I thought it painted a nice picture about the kinds of services that are offered to the clients and, and -- the, the general level of access that clients had during the day.

Another interesting component of this assessment is, um, they -- you'll see in question 12, there are columns about -- ah, ah -- choices people have and about to access the, the local community, um, and whether or not, um -- ah, whether or not that is happening now, whether or not there's a plan for it to be implemented by the, the time period that -- we are tasked to come into compliance.

What I also liked about it is, the questions were specific, you will see the second set in question 12, they are very specific in terms of -- where the -- where they want to see that they are specific policies and evidence that, that-- what is supposed to happen with that faculty. So where it says please indicated if written policy document the training and evaluation systems are overtly in place.

You'll see for question 13, these seem to be specific for day services and pre services, but those that only offer supportive employment services, then it, I think, I think it doesn't necessarily applies -- um -- in, in some of these, for some of these questions they had a don't know column. I don't know why they had this common.

[Laughter]

It is, it seems like a very, I don't know, just an odd way to allow someone to respond to a question.

Some of them could certainly be nonapplicable. If for example, the question is, not relevant for the kind of faculty that can be surveyed, but I recommended not using the don't know option.

On question 16, 16 to 18, this is on page eight, I thought that it, they asked some very specific questions about the numbers of people served by that agency and how many of those people have employment goals and then specific questions about those individuals. I like these questions in general. I -- I thought it would be important for us to talk about -- how -- I don't know, some of these questions are getting cumbersome to provide, um, so it asks, question 18 asks -- um, indicate what frequency on average people with employment goals interact with community members. I don't know if, you know, finding a true, truly accurate average of this for all clients served is -- that, that would seem really challenging. So I did like the spirit behind the question and I thought it was relevant, but -- I certainly worried about capturing that information.

Likewise for question 19 of the total people with employment goals and then it asks how many people among these people and then the majority of them are developing job skills on-site. I think all of these are really good and important in terms of staying with the spirit of what the feds put out there, I -- would say a little bit about how that information would get accessed. That would be good for us to talk about. You can see some of the other questions that I highlighted that I thought were relevant for us to at least question. Question 24 would be only for those receiving day services. And again, I, I worried a bit about, um, getting to this information and how easily providers. Maybe providers can provide this information pretty easily, but I was worried about that.

That's all from Minnesota.

Male: Okay. This is Gary. One of the concepts that comes to mind as I look at some of these items. And I agree with Brian, I like some of the items in terms of the -- um, how accurately they paint the

picture of what the overall programmatic activity is. The corresponding challenge with that is you can have a bunch of information that's descriptive, but if it is, if we take it to imply a standard, then it's problematic based on the previous discussion around more or less 100% compliance. Because you can't tell where the acceptable line is drawn in terms of the issues that are embedded in the assessment.

I think maybe an associated concept that might be manageable is, as we talked about last week, there are areas and there are broad rules and then there are more specific items within each, if we think of the compliance, on a relatively broad basis in terms of each of the basic concepts, then absolute compliance with each of the items underneath that is not necessarily critical.

So again, like we talked about two or three weeks ago, if the concept is substantially in compliance, that would be an alignment with that kind of organizational concept, that in broad strokes the settings in compliance with those, and that does somewhat fly in the face of the 100% notion. But again that goes to how specific the information is in the self-assessment tool. You've got to go one direction or the other and the -- course may be evaluative concepts have to flow in the same direction according to your composition of questions.

Female: Hi. This is Catina. I agreed. When I looked at the Minnesota model is honestly, the thing that kept coming back to me, is wow. This may be a good place for the look behinds. When you have a yes-no and you node to really get down to what are you doing during that time. Where are folks in their day program and employment versus development versus activity. This is kind of giving you a foundation for that, where we all can pull that data for what services were delivering. But to look at this and say yes-no and, and to be in compliance I would be very concerned with the -- specificity of this.

Female: This is Susanna. I have to -- on one level agree with both Gary and Catina, but I do think this is, while I think that this is not necessarily the perfect assessment tool, I think it's a great prescription for what we should be doing.

Female: Absolutely.

Female: That's where I think the real value is. We can look at it and say, we should be targeting this. But a lot of these things are not required from the CMS ruling and therefore, I don't know that we would want to throw them up at this point, but I think we should all be looking at this and saying, wow. They are definitely onto something here about all of these things they're talking about.

Female: This is Barbie. Why am I not getting this -- this material? Is it at home and I've been away a couple of days?

Female: Emmanuel, you were going to send Barbie everything.

Male: Yes. Um --

Female: That was decided Emmanuel was sending you everything, Barb. So that was last meeting you guys decided that.

Male: I send that, that same day.

Female: Okay. He sent it the same day.

Male: But I can resend it, if you didn't get it.

Female: Okay. Well --

Male: I --

Female: I guess I have to check.

Female: Barb? Marissa's going to make you a hard copy of it right now.

Female: Okay.

Female: Now.

Female: Thank you.

Male: The only one I know would be the crenulated version.

Female: Right. But you got that. Yeah. I didn't get that in time to send it out to you, but I will send, I

will send out the highlighted version when I get back to the office tomorrow to everyone.

Male: Okay. Other than that. I sent everything, but --

Female: Okay.

Female: Yeah.

Male: This is Brian. So Catina, you were saying before, this is not what CMS is requiring, but I don't know in some -- you know, I think everybody's agreeing that it is vague and left up to interpretation. Part of what we're doing here. I think in many ways this assessment actually does aim for what the CMS rule is getting at. And so I mean, it certainly isn't looking at what the most minimum compliance is with the CMS rule, but I do think the assessments, the assessment is aiming at what CMS was trying to promote through the rule. That said, I certainly agree that it we're left with 100%, provided it has to be 100%, on, on all items, it is -- it is challenging and, and -- you know, there are certain questions that doesn't lend itself to that.

Male: This is John. Two thoughts. First, actually, three. But the first one complies with what I think Gary and Brian are indicating on the 100% ruling. But the other two thoughts are on this plan, on the first page, it relies very heavily on the, on the -- plan. On, on the individual plan that a person has, which I really believe is, I still -- hold that becomes the driver to determine whether or not an individual really has access to the community. But the second piece on this is also, lot of this material is quantifiable. And I think that's important when, when gathering information on whether or not -- whether or not somebody, providers is in compliance. It is the quantifiable information. How many people are involved and things, do they have access to these things, and how is that access exhibited. What does that look like? And if it coincides with a plan that is quantifiable, I think that gives you the data need that you have in order to support if something is compliant -- with the community-based waiver. So I don't if what all of this makes sense, but certainly this kind of a format with quantifiable data seems to me, makes sense.

Female: This is Susanna, to question, Gary, how would -- how would that be thrown up against criteria for whether or not you were in compliance, so --

Male: I'll give you --

Female: So seven people out of 10?

Male: Well, no -- okay. You're asking for the quantifiable acceptance level?

Female: Right. Who --

Male: That.

Female: That is nowhere to be seen.

Male: Um -- you know, I, I, I, when I think about the data that we collect on folks for ourselves -- one example we work -- extensively with greater Willie (phonetic) and you have a locking refrigerator situation there, there's quantifiable data to support why that exists and why other people have access. So if you were to ask me that question, you the community refrigerator, my belief is that I would be 100% compliant on that because I can show you through individual plans how and why that's being implemented and how the individuals still have access. To go back to the question of, of what is the percentage that becomes, you know, when do you pass or fail? I guess that's what you're really asking.

Male: That's --

Female: That's-

Male: I really -- I struggle with that. I don't have an answer for that.

Male: This is Gary. John and I continue having our basic --

[Laughter]

Disagreement on this topic. Everything in here, as you read it, each item is prefaced with reference to policies and procedures, not individual plans. The information is that the setting is compliant according

to the general operation of that setting as expressed in their policies and procedures exceptions or deviations as they are referred to in the Delaware Plan, is what you have to go to individual plans for. Now, I do agree that you can use some, um, quantitative data to support your compliance with a given notion such as community integration. As an example we track data in terms of frequency with which the people in a particular subprogram go out and do things in the community. But that's not derived from their individual plans. That is from program data. It's not the same thing. I continue to contend that we should not have get down to looking at individual plans except for the so-called deviations. What the language in here continually asks for is policies and procedures that govern the operation of the setting. Female: This is Susanna. I'm pretty clear, Gary, because you have been very consistent about your position on that. Um, I'm trying to find a way to fit in how I believe everything should be about the person-centered plan.

Male: Right.

Female: With what you're saying I'm trying to figure out how that fits in, because that's really what I believe it is always all about.

Male: Well, this is Gary, I refer you as an example, the Minnesota Plan doesn't have page numbers on it, but I think its question number 13 --

Okay.

Male: The wording and this is repetitious, these indicative written policies, documents, and staff training, performance and evaluation systems are or will be in place to cover the following unless specified -- unless specified in individual person's plan. And that same language is repeated for most of the language in here as the basis for doing the self-assessment. It's not looking for individual case documentation unless that documentation is in exception to the policy other procedure that governs the setting.

Female: Okay. This is Susanna. I understand that. But that would say to me that everyone has to have a person-centered plan, because as soon as you start asking these questions you're going to have to go to it if you get any deviations.

Male: Um, and actually, this is John, I'm sorry. I actually, I don't really see the, the, the, to distinguish, or the difference that you're indicating, because the line simply says policy should simply address each area to ensure a person's choice, which would show up in a plan. So I'm not sure that I see the deviation between the two. I think there's some questions that you're going to ask about a setting that are going to be obvious, that are going to be painfully obvious in terms of whether or not -- for instance, the one that comes to my mind right away, is are you in a hospital setting. To me that's pretty obvious. You know if you're in a hospital setting you're not in compliance. So I think there are questions that are going to be painfully obvious and I also believe there will be questions that require you to investigate further. How about I use that instead of the person-centered plan, but I think there are questions that require explanation that may on the surface say no. But I actually think what I'm saying fits in exactly with what you just described. Again the last sentence of that line that you just quoted indicate that you still have to go back and ensure that the person has the choice. That would be indicated in their plan. So I don't know that we're that far apart.

Female: This is Catina, I also believe that maybe, I'm agreeing with both of you, because I also believe in all of our policies and procedures it's in there that everyone has a choice. Then it would be to go back to the plan if that choice is in question. So if something comes up as a no. You have a policy that says they have a choice. For example to go out into supportive employment. And folks have a choice. And there are folks that are not wanting to go to work --

Male: Right. Right.

Female: For whatever reason. Then that's a question. Then they can go back to the plan and clearly

document why this person isn't choosing to go to work.

Male: Yeah. I agree. This is John, I'm sorry. I don't disagree with that premise. I think it is the whole process, not a piece of a process. And I think there has to be -- that whole piece has to be in there. If it is in there then I think you can document whether or not you are really meeting the community -based requirements.

Male: Right. This is --

Female: --

Male: I'm sorry. This is Gary. If, you know, one of the elephants in the room is what constitutes a person-centered plan and whether people realize it or not most of the consumers that we're talking about are in the settings do not have what is typically considered to be a bona fide person-centered plan, because in most of the cases it's only the provider that's driving the development of the plan, with the consumer, but it is not as robust as what's presume expected to be a good, quality, person-centered plan. Because, we, we, the system, have not been given the resource s for development of those plans in working with consumers and their families, etc. So it is a very truncated cross in reality. So the plans are silent on many of these issues.

Female: This is Susanna. Would that be a question for DDDS? What constitutes the person-centered plan. If it is going to be all over this assessment tool.

Female: This is Catina, sorry. This is Catina. I think this is going to continue to come up, because, yes. We know our waiver guys have their -- whatever we want to call this as far as the person-centered plan, their ELK, but it is going to be a situation when we're looking at folks across all of us have it differently. And it's going to be very hard to look at that look behind down to the plan. My other concern is when we say policy to go to plan, and I want to articulate this correctly, is we can't keep using that is, well, it's in their plan. That's where I get fearful, that's what is going to go back in these recommendations. I'll be honest, that's not going to fly. It just can't be in the plan. We have to make sure it is solid within the policies and procedures and if it needs to be directed that way, so the questions have to be crafted so there's not that gray area. Am I making sense?

Male: Yeah. You are. This is John. And I'm not indicating that in the plan becomes okay. You got it, we'll see you, move on. I'm not suggesting that at all. I under Gary's concerns about how cumbersome this may be, but the fact is that -- if it says it's in the plan, then the provider needs to provide the plan with the data that indicates that, not only it is in the plan, but it is actually occurring. I know that is very cumbersome, but I really do things that becomes the indicator or whether or not somebody has access to the community.

Um, and -- yeah. It's a pain in the neck. Going back to the question about whether or not broadly there are plans for everybody. I get that, too. But I don't know that's an issue for this group. I'll tell you why I don't know. Because that's an issue for to go back to DDDS and for them to figure out. We're not responsible for developing the plan. We are part of the team that develops the plan, but that becomes a DDDS responsibility. And I really, really believe that when we're looking through the walk, or this walk through process, this is about whether or not providers are in compliance, not about whether or not everything is there for them to be in compliance. We all do write different plans, Catina, that is absolutely true. But we do write plans and even if we do, even if we write them ourselves and those plans are validated by the team with the data that is collected for it, whether it fits the ELP process or it is a non-waiver person or what the case may be. So I think that a broader question that has to be addressed at a different level than this. But there are plans in place and they do validate whether or not somebody does have access to the community and if they do not have access to the community, what the rational or what the support system is to either get them that or why they may not have it.

Female: This is Barbie. What does ELP stand for?

Male: I'm so sorry. My apologies. We speak in acronyms. I do. It is the essential lifestyle plan.

Female: Okay.

Male: Which is developed for people, correct me if I'm wrong. Developed for people who are within the waiver program. Okay. Not everybody has one. So -- um, for those of us who worked with waiver for a long period of time. We used that kind of as a Bible, but we do have people within our system that do not get ELPs and I recognize that.

Female: This is Lisa. In regard to this assessment tool, I think, we've talked about it some, but it seems to me some of this quantifiable data, if we were going to move in this direction, would be very difficult to, one, to maybe provide, if you have 200 participants in a program.

Male: Sure.

Female: And it asks how many of those participants go to the community, then you have to physically count those and then someone when they are doing the look behind is going to have to take some samplings to ensure, we hope that everybody is honest. But you know, that's part of the purpose of the look behind is to ensure that the answers that they gave were accurate.

Male: This is John, and absolutely agree with that. That's why I indicated it is a cumbersome thing. And I, obviously, you're not going to sit down. We have 350 people come to our neighborhood. You're not going to sit down with 350 plans to see if we're telling you the truth. So you're probably going to have to do some sort of sampling to determine whether that's there or not and come up with a conclusion after that. But short of doing that, um, you're going to take us at our word anyway if I indicate to you that people in the day habilitation program, all 30 of them get out twice a week, how do you know that? You know, where is the quantifiable data that is going to support that, too?

I mean I may show you a schedule --

Female: This is Susanna, I believed we talked about what evidence would be necessary.

Male: I understand. I'm answering the questions.

Female: Oh.

Male: If there are 350 people, how are you going to go back to 350 plans? You are not.

Female: Right. And so I guess what I'm suggesting to the group is, hearing our discussion, that maybe we should consider having some -- as we have discussed, having general questions and some of these very quantifiable detailed questions, but that we don't want to craft a tool that has all of these varying specific -- because I think it would be too difficult -- it would be oneirism for the providers to do, and two --

Male: Uh-huh.

Female: The look behinds would be cumbersome. And I think we can still get the data we need to -- whoever is assessing to determine that they need the, need the tool.

Female: This is versa. I just want to -- add, though, that it is possible to do a sampling through the look behind to confirm what the agency is indicating. So if they say, stick with your example, John.

Male: Sure.

Female: If that agency has 30 people who are receiving day habilitation services and they are saying that every person gets out twice a week, for community activities, you can actually pull-up the sampling that you have identified and there is an expectation there is a billable note which defines our documents the service that was provided. If you say out of the 30 we're going to sample five people, you can pull up those five people and you can look what their daily or billable note included. Did it include access into the community. Did it not. So you have a way to verify that information.

Male: This is Gary. I agree with that except when you talk about the specificity of the, whatever you're referring to as the note corresponding to the billable service. The specificity of the type of documentation that's allowed within the system doesn't necessarily address the issues that you're looking

for in terms of the richness of the data. It may or may not and I know, like for ours, and this is one of the challenges that particularly with the look behind group is going to encounter, there are literally hundreds of settings has described in this process. Hundreds. Easter Seals alone probably has 150. Think about that in terms of this process.

Female: And then.

Male: That's one provider.

Female: Right. I'm going to segue into that, Gary. One of the things that I'm sitting here thinking about as a community-based program that does not have a faculty, you're not coming to that type of setting for me. So how am I evaluated when we think about setting conversation. Correct? That's where I think some of these questions will come into play. How many folks am I serving? How many are provided with employment services? How many are in development? What does that activity look like? That's how I would see my program, because by definition I'm a community program. I'm not going to be critiqued in the same way because of the settings. Then it comes down to the setting. If they are in employment, is it truly an integrated employment setting? Per the definition that is out there.

Male: Right. This is Gary. Another concept we might think about, rather than pinning things down to an absolute number, you know, like 35 -- (coughing) some of these things could be described in percentage bands. You know, like, between 0 and 25%. 25 to 50%, etc., so that the providers don't have to go through every individual record. Because we know what the general complexion of the program and the setting is, because those are embedded expectations of how we operate the programs. So I think there's a middle ground available. So people can give descriptive data in terms of quantity without it being nailed down to -- something we're accountable for in terms of counting every letter in the ELP. Because some of us this is going to be a massive undertaking just doing the self-assessment and then the look behinds, you're going to have to be really careful about how this sample is described and how that's fair. Because, again, hundreds of service settings we're talking about.

Female: This is Susanna. Brian, do you need to leave us now?

Male: This is Brian. I can, I can stick around for another 15 minutes or so and -- I'll say, I do appreciate the middle ground that Gary was just offering, that seems to make sense. I did want to say, and -- maybe this is about necessary at this point. But I do tend to agree with Gary, that the -- ah, the driving force behind the assessment is, um, the -- the general focus of the, of the service provider and of the faculty, and certain plans are going to play an important role in determining what a person's day looks like and the activities they have and, they're, they're still a focus that the providers are going to have and be driving force behind what they're doing and, you know, the fed's data outline, so the general goal that we should be aiming for. So those are going to be incorporated in terms of the policy and procedures and the training of the staff and -- um, and should come through as well within the person-centered plan.

That wasn't your question. The answer to your question, I'm able check on it --

[Laughter]

Female: Okay. Brian. This is Susanna. Say good-bye when you ready to leave.

Male: All right.

Female: Do you want to look at Hawaii now? The rest of Hawaii, because we really only looked at the TC -- what, what we reviewed the first two sections.

Female: Yes. Uh-huh.

Female: If Lisa can get up Hawaii and then we can talk about that. Which is very different than Minnesota. So it's a good one to look at now.

Female: I'll get it.

Female: The section at the back.

Female: I think we need to be on the third section. TC. Is that correct?

Female: I thought -- I thought we got stuck on voting. We went past voting? Did we, it seems like we were there forever.

Female: This is Susanna. I think this is what we said about voting. I think Marissa had the definitive answer on voting -- it's an activity. If people are able to do the activities they want, voting would be one of them.

Female: Is that --

Female: Does anyone see that differently? People who might totally impact, Barb and Bill, Emmanuel, do you see that differently as some other activity you might want to do?

Female: I'm thinking.

[Laughter]

Female: Okay.

Female: Ah. I guess so.

Male: Call it an activity because -- you give them the option to do it. So it makes sense, because-

Female: Lisa. I think I have-

Male:

Female: I made it more complicated for you. I had separated from the comments.

Male: The option is there. You can call it that.

Female: So the document you made it.

Female: Yes.

Female: Okay.

Female: Expect there is pages --

Male: Whatever, it is still in the community. So calling it an activity would be the way to go.

Female: Okay. Susanna, this is Terry. It is very hard to hear Emmanuel down here. Could you repeat what he said?

Female: He said -- voting is an activity like going to the movies or other activities. So he sees that as calling it an activity a good way of going with it.

Male: As long as the option is there.

Female: So I missed that.

Male: If they being denied the option, that is another reason to look into it. But as long as they're given the ability and the option to do it, then calling it an activity would be appropriate.

Male: This is Gary. I wanted to bergere voting, but I'm not sure what some of our discussions mean. You're making a fairly definitive statement indicating we decided this is an activity. I would sun this might be one of the ones it is an NA for a particular program because we don't encompass that activity within the scope of our program. Part of our discussion last week was if voting was something that was more germane to the residential environment has opposed to the program environment and I think it's a tossup. I would say it is entirely optional.

Female: This is Susanna. Because, like Catina, I'm completely in the community. I don't understand that distinction at all. If someone is in a day program and they have the right and about to choose activities of their -- do activities of their own choosing, why wouldn't voting be one of those activities?

Male: Okay. Let me follow your example.

Female: Okay.

Male: I have a lot of people in the community, too. Probably more people in supportive employment then almost any or agency. For those folks the scope of our services in supporting their employment does not encompass voting.

Female: And --

Male: And -- and -- I don't think there's a value judgment, we're not restricting anything, but that's not an

activity that's encompassed within these supports that we provide under the waiver.

Female: This is Susanna. I would question Catina, you might weigh-in on this, in an employment setting activities are not a piece of what's, you know, what is -- acceptable in an employment setting does not hold up to the same standards as what is acceptable in a day services program where people aren't working. People are working. So if I have someone working I can't tell their employer you have to let be off for two hours to vote. That's a legal situation that doesn't have anything to do with my --

Male: Right. Okay. We had got restricted the discussion to one type of setting or another of.

Female: Right.

Male: You are making a categorical statement.

Female: Right. I'm sorry. I apologize.

Male: But even within the scope of a prevocational or day habilitation program, there's nothing here to forward in terms of contractual language or anything else, or even CMS that sets forth that voting is an expected component of these programs.

Female: Can I, it is Catina. Can I weigh-in here? Because Marissa made a point, I think in the last one about voting and it can be an activity. And let's go back a few years ago when we had those parking lot things that were captured the service delivery. This was one of them that came up. Is it an activity that as a day provider we could support if someone else is not able to do it for an individual. Absolutely. It's -- it's part of delivering service, but I don't believe it needs to be on this assessment because it's a yes-no question. And it's going to go right to driving to the place of where, there's too many discretions all of do they live in a home. Do they have a family support provider. You know, do they have a case manager. Why isn't it happening. So I don't think it needs to be in the assessment.

Male: Right.

Female: This is Denise. Page 12 of the Delaware Statewide Transition Plan, it says the review process will include the following state department and division practices and related practices at a minimum. Second from the bottom is whether registration will encompass programs that is included.

Female: That is registration.

Male: Well. This is Gary. In terms of understanding the guidelines are we to take of that, that -- that, the issue of voter registration is supposed to be embedded in every federally funded program?

Female: It is just.

Male: That's why I suggest that you can have a yes. You can have a no. If it is on there at all. And you can have a NA. It is merely descriptive. And I would say for programs that do engage in that activity, it's supports their contention that they do provide community integration activities. But other programs may not offer that particular feature and may do it in other ways. The intent, as long as I have been associative with DDDS has not been to drive cookie-cutter programs. And the implication, if you go too far with specificity standards that, that's exactly what you do. That you require everybody to do exactly everything the same way. And, and -- that's just overly perspective, it doesn't make any sense.

Male: This is Brian. I just wanted to weigh-in. I don't think this necessary -- this question about voting needs to be a part of the assessment. We're going to have other question that get to activities and, while, I certainly don't want to do anything to minimize the importance of voting. I do see it as a part of perhaps other activities, plus you have -- um, the, the challenges that, that others raised about the, some of the perimeters that we have, that, that allow us to support people -- to take all of this is necessary, I'm a little bit concerned that we're spending a lot of time on this specific question, unless this is ambiguity of a larger issue. But I don't know that it is necessarily is. Um. I apologize, Susanna, I don't mean to take the ball out of your hands. But I'm a little bit worried.

Female: Brian. This is Susanna. That's what I meant by saying it is just an activity. We didn't have to have.

Male: Right.

Female: Voter registration or voting in the assessment. I, I'm sorry if some people misunderstood what I was saying. But I was simply referring to what Marissa said that it is an activity and we will have in there -- um, assessments about the ability to do activities. So it didn't need to be in there. I apologize if you misunderstood what I was saying, Gary.

Female: Hi. It is Catina. But I also -- I also do believe that it may need to be looked add on the residential side.

Female: Okay. But we're not doing that.

Female: Right. I'm just saying to hit your point of what you just read out of the transcription plan, it may, it needs to be in the residential side. It doesn't need, it may need to be, let me not tell them what they need to do, but it doesn't need to be here.

[Laughter]

Female: So this is Terry. Can we pose that question to the residential side that's on there. Because we want to ensure that people do have the right to vote somewhere during that day during that election.

Female: This is Susanna, Kimberly, would you take that on to bring up at the residential meeting tomorrow?

Female: Yes.

Male: Yes.

[Laughter]

Female: Okay. Everyone comfortable with that.

[Laughter]

We know Kimberly is on both committees.

[Laughter]

Female: And this-

Female: Thank you, Kimberly.

Female: We need to ensure that it is somewhere. That somewhere along the day or evening that person has the right to vote.

Female: Right.

Female: This is Denise. Just one point. That would restrict if they can only vote during the time that they're at their residence.

Female: No.

Female: No it wouldn't.

Female: If it would -- any place I have ever worked it said something like, ah, won't be restricted from going to the polls. Either you would be paid for no more than two hours or you wouldn't be paid for the time it would take you to go to the polls. Any place I've worked before, except the State of Delaware.

[Laughter]

Female: This is Lisa.

Female: It had something about voting in the, in the -- employee's manual that you would go if you wanted to.

Female: This is Lisa. We had talked about this before, but -- voting is like other activities that you would do if you're employed. Either your employer is going to have a policy that says you can go or not go. Or you go on your personal time, or you take --

Male: Bless you.

Female: Or you take vacation leave for your hour to go. You go during your lunch hour. So -- I wouldn't necessarily disagree with you. But I sort of disagree with you that -- I --

[Laughter]

Male: This is John, I'm kind of on the same page with Lisa. I do know as an organization we have a personal policy around voting and we just apply it across the board. So --

Female: Okay. Does anyone else want to weigh-in on voting or can we move on?

Female: Move on.

Female: Move on.

Female: Kimberly will bring it up at the residential workgroup. And Kimberly would you feedback to us next week, is that appropriate for you to let us know what they're doing? Because there seems to be some concern in this group that if residential doesn't do it we're going to have to address it.

Male: That is not --

Female: This is Kimberly, I just want to make sure I have the message correctly. Is it just that we want some question around an individual's right to go vote? In the residential plan? I'm just -- I'm not sure what we're --

Female: Well, this is Terry. Then it becomes the issue of transportation and if, if there needs to be some kind of assistance with it.

Male: You're looking for more.

Female: So the right to vote and --

Female: Will there be some assistance for someone --

Female: To vote.

Female: For someone who wants to --

Female: Can I -- I'm sorry. It is Catina again. In the plan, Marissa, correct me if I'm wrong, but I believe when a family support specialist or a case manager is doing their annual meetings with the families, that is a question on their documentation, whatever they call is the person a registered voter, yes/no, I don't know how it is phrased, but that part is already taken care of. I think now it is about access and whose going it get that person, if they have the desire to vote. Who does not fall on? Does it fall on the residential team to work it or, which it should, or does it fall onto the vocation, or the day service side?

Female: This is Tara. We just want to make sure it is captured somewhere.

Male: This is Gary. I can sort of see it both ways. As a day service provider I wouldn't have any difficulty with indeed taking people to get registered to vote and maybe even take them to vote, although, um, it raises a lot of different concerns as far as what actually happens at the polls and I think maybe DDDS ought to consider a more systemic way to support the process, as in getting someone from the board of elections, etc., to accompany groups. And I don't know how to do it, but you know what I mean, there all kinds of unfortunate incidents and there are very foreseeable conflicts and barriers depending on how initiative is implemented. So I would like some guidance from DDDS. And as a typical thing in the state. It needs support from parts of the State Government outside of DDDS or -- it could be a real disaster. You know, which would be very unfortunate for the individuals involved. You know, so I would like DDDS to sort of think about how they are going to engage their population and then establish guidelines. The problem is, I've pointed out numerous times, is that DDDS is silent on most of these issues. So providers have forged their own way for the last 36 years that I've been doing it. DDDS doesn't tell us much of anything in specificity, you know, when you follow their general guidelines and we're free to go our own direction. So I think sometimes we need more guidance from DDDS.

Female: This is Susanna.

Male: I'm sure it is going to be forthcoming as we get further into this process.

[Laughter]

Female: With all due respect, I've probably spend almost an hour between two meetings on voting and it

is very important issue, I recognize the importance of it, I would like to table this until Kimberly comes back and lets us know what is happening on the residential side of it and then we can take an allotted amount of time to decide and vote and move on from it. Because we have so many. I know it is important, I respect the importance of it, but we have many, many important issues that we have to be dealing with. So if we can move onto Hawaii respectfully, unless anyone objects.

Female: What does specificity mean?

Female: Pardon?

Female: Specificity.

Female: Spec-

Female: Okay. Specific things they say.

Female: Okay.

Female: Gary uses that word all the time.

Female: Oh.

[Laughter]

Female: This is Marissa. I was just trying to pull up, I thought for sure we had a policy on voting and we do have a policy on voting. So perhaps it may not necessarily be something that's completely, um, perfect as it is, perhaps it is something that we need to look at, but I think has was outlined in the plan there are a number of policies and procedures that we, the division has to look at, the department has to look at, as part of this transition process. So --

Female: Um -- this is Kimberly. I just want to at the state is also considering legislation that will allow anyone to absentee vote and same day registration. Which will also, I think, help with this -- population, too, if they do move forward.

Female: Okay. This is Susannah. We're still talking about voting.

[Laughter]

Female: Sorry.

Female: Can we move on, please?

[Laughter]

I will put Kimberly on the agenda for next week.

[Laughter]

And if Marissa, I will ask Marissa to send me that particular part of the policy about voting. Can that be done? That is in --

Female: It is right on the website.

Female: Okay. I'll check it.

Female: Under administrative policies.

Female: Okay. We're moving onto to Hawaii now.

Male: This is Brian. I need to sign off. Thanks, everybody.

Female: Bye, Brian.

[Group saying good-byes]

Male: Good-bye.

Female: Okay. So up we have --

Female: Okay. Sorry. Updating for the record.

[Laughter]

Female: I'm not sure that we did, did we speak about activities? Because I think Emmanuel was speaking about activities up this way. So did I, did we get ahead? Or are we done with this page, I'm wondering. Um -- the activities section, does your day program have -- okay. E2I. I would think that this would be day habilitation. So I'm sorry. Number, number two, activities. At the top does your

client pick the activities. What type to do them. Who the activity is done with. I would think that would be, in my opinion, day habilitation or residential.

Female: This is Marissa. Perhaps --

Female: Activity, ah, B volunteer work, how often during the week. C, job opportunities have you been given, does your, have you been given a choice to work and earn a paycheck versus volunteer work.

That's -- I should have phrased that differently, because it does your day program have -- okay.

The next page is meals and snacks.

Female: Oh. The next, the next topic.

Female: I'm sorry. Yes.

Female: Okay. That's okay. I just need to switch out of that.

Female: This is Barbie. Do you have a copy of Hawaii, because I have it at home.

Female: I'll share mine.

Female: Okay. And Connecticut?

Female: I'll share Hawaii.

Female: Okay. Thank you.

Female: Okay.

Female: All right. Meals and snacks. All right. This should be discussed. Would question A be more residential. Questions B and C, if used in an employment, would that be tricky. Do employers tell you where -- I don't how much leeway an employer would give you were to sit and who you're eating where, oh, where you're sitting and who, um, you'll be eating with. I --

Female: TC. This is Susannah. I would think in the case of employment all of these questions would be in the same way that a person not receiving HCVS wavier-funded services is entitled to. I think that's always going to be the case.

Male: Yeah. This is John. I would think if someone is employed, they are already meeting the community-based waiver.

Female: Okay.

Male: Requirements.

Female: Okay.

Male: And they are going to follow whatever the rules of their employer are.

Female: Right. Okay.

Male: But I do think, just quickly on prevocational programs. Quickly, do they get what they want to eat. That is not something that the day program provides them that we do provide. They come with lunches. Folks bring their stuff with them. We don't have a cafeteria or something like that. So you know, we're, we're under the assumption they are getting what they want to eat.

Female: Right.

Female: This is Marissa. There are exceptions to that, though. There are, there are -- there's at least one agency that provides meals for lunch. So I just want to put that out there.

Female: So I mean, it could be like, I'm sorry. This is Sybil, it could be an NA or it could be if your facility provides.

Female: Right. Right. This is Susannah.

Female: Do they have a choice.

Female: Right.

Female: And I think when we get to this, this is going to be wordsmithing and, and format. And, and how we want to format it. Whether it is NA or by category.

Female: Number four, person-centered plan. I thought all of these were good. And I thought that they, I think they could be used for all four services.

Number five. Okay. Is there something written -- Lisa?

Female: At the bottom.

Female: Yes. Okay.

Female: I'm sorry.

Female: In my opinion, question A, B, and C can be used for all four services. Questions D and E can be discussed, are they employment appropriate, ah, have a place for the client to meet with their family and friends in private. Is that -- up to the employee?

Female: This is Susannah. In this case it would also be the same as people who are not on waiver services. As long as they are treated the same as people not receiving HCVS-wavered services.

Female: Okay. Okay.

Six. Dignity and respect. I thought these were excellent questions that can be used for all four services.

Female: This is Angie. I want to comment on one of those.

Female: Okay. Angie.

Female: In -- looking at C, you use words that the client can understand if they're a person that doesn't use words, use words or another means of communication, I don't know if you need to rephrase or add-in there.

Female: That's a good point.

Female: Liz, will you put that in there in orange. I think now this is -- is -- sort of getting to the wordsmithing parts. So we may as well some of those things in there.

Female: This is Terry and I agree with Angie. Because there are people that rely on technology and they don't always have their technology with them.

Female: Yes.

Female: I don't know for what reason, but you know, you see people leave school and then go to other programs, not very many, but then their technology is not with them anymore. And that's taking their voice away. So we need to somehow make sure that technology is with them. Somewhere in here we have to invent that.

Female: And this is Angie again. I think it goes back to really all three of those. So say hello can also mean -- you know, a gestural hello. It is very, the wording is going to have to encompass all ways of communicating.

Male: This is Gary. Or to may some of the guidance simpler, there might be a preparatory statement that indicates that mode of communication is adjusted according to individual's needs and preferences. Because otherwise, we're going to wear ourselves out with all the different -- um, versions of each one of these items.

Female: And this is Terry. One of the questions may be is that person always have their technology with them. Their voice with them, whatever they use.

Female: That's good.

Female: I'm sorry. This is Susannah. How would that be a question for an assessment? To assess if, if --

Female: I think it's part of their rights. It's whether they have a voice or not. You're saying do -- um, know that his or her complaints, know what to do if they have a problem?

Female: Has the ability.

Female: If they don't have a voice.

Female: Has the ability, right.

Female: If they don't have it.

Female: No. I'm saying that's what the question is, do they have the ability, meaning to, they have their technology, do they have a voice?

Female: Right. Right.

Male: This is John. Would you include in that, then, because as the day program we don't provide am mechanism.

Female: Right.

Male: With an individual.

Female: Right.

Male: So is there something that needs to be made that requires the day program to take some sort of remediation. I know, for instance, if I have somebody show up and they don't have their device and I call the resident and say I need it and then three hours later shows up. I'm not sure.

Female: Right. Right.

Male: See what I'm saying.

Female: Right. And this is Terry. So what I'm saying is that, that person comes that day with that piece of technology that, that piece of technology stays with them. So it's not really your obligation.

Male: Okay. So --

Female: That the piece of technology wasn't sent with them, but when they're there, that came with them and needs to stay with them.

Male: Got you.

Female: So I wonder if that should be a question with residential, too. To make sure they are sent with.

Male: Well, honestly, it's not the --

Female: Sure.

Male: This is John. I don't want to just dump on residential. I had people come in from their homes with, without their devices. So it's, its.

Female: You're absolutely right.

Male: It is not just limited to whether a residential unit does it.

Male: This is Gary. I think that might be more of a rights issue than a CMS integration rule issue. So I think it is a significant issue in terms of program evaluation as it perhaps to individuals, but I don't know how germane it is in this process.

Female: But this is Terry. If we're going to say -- that they have the right to say if they have a problem with their caregiver of service and we don't give them something to make that complaint with.

Male: Uh-huh.

Female: We can say that oh, we won. But we need to make sure that the technology is there.

Male: So we.

Male: I'm thinking. This is John, again, I'm sorry. So really what you're asking is that day programs follow some sort of a format of remediation. We make a phone call. We, you know, we take some proactive approach to ensure that communication shows up.

Female: Yeah. This is Terry, again. I think even more I'm asking that when they come in with it, it's not put over on a shelf.

Male: I understand.

Female: That it is with them at all times.

Female: This is Denise. I think it -- it's probably just the way it is separate, but I think what that's referring to that you put things in turn that would be understandable by the individual no matter what that is. And when they're talking about the words it may be a different way to formulate a sentence that someone would understand it more. And if people that don't have a disability or don't have intellectual disability don't have that about -- to talk about any other language but their own. It makes it hard on the individual trying to get to work and get things done the way their expected to get it done. Unless it is explained to them properly. Which I kind of use way too many words.

[Laughter]

Female: Okay.

Female: I'm sorry. This is Lisa. I just want to mention that we talked about communication and devices, but we left out interpreters for individuals who are deaf or hard-of-hearing or maybe English is not their first language. So just, want to keep that in our thought process.

Female: So this is Terry. The question, are interpreters are part of the policy or a law? At this point?

Female: Well. I would say.

Female: Stand.

Female: I can't say, this is Lisa, whether DDDS has the policy on that, but um, the Americans With Disabilities Act and several other laws are going to require if they are participating in the community, if they're receiving federal funding, if they're doing certain things that they have, that they are required to provide, um, I want the appropriate word -- um, ah -- I'm going to get it wrong, because everyone is looking at me at the moment.

[Laughter]

But they have to have access to communication and it is not -- so in other words -- it may not always be, um, you have to have an interpreter all the time and it will come to me in a minute when I think of it, but there's a legal term of art for that and it is just escaping me. But yes. So if they require that -- um,.

Female: This is Susannah. Who are "they"? If they are require.

Female: If the client requires as part of their disability and they are being served by a, um, supported employment, they're services supported employment.

Female: Right.

Female: And they are in the community and they're working if they need an interpreter to understand what they're job coach is telling them, then it has to be provided.

Female: By whom.

Female: Well.

Female: That's the big elephant in the room.

Female: Well -- the elephant in the room, my answer would be it depends. It could have to be provided by the job coach. By the agency that's providing the job coaching. Because that is a service that they have agreed to provide the client. Or it could be the employer.

Female: Ah, I don't -- everyone is shaking their head no there, Lisa.

Female: It is a combination, and I think the question would be is if it is a reasonable accommodation within the employee setting for the employer to --

Male: That's where I was going with it.

Female: To be at the table on that.

If someone needs an interpreter, that needs to be, I think that's on an individual basis and we could have a long discussion about who does that. But it is something that needs to be discussed as a provider when you determine if you're going to serve someone or not.

Female: Yeah. That's exactly where I was --

Female: What happens now? Is there anything that -- have you had that problem?

Female: I don't serve anyone that needs an interpreter.

Female: This is Lisa. But you can't discriminate against a person because they have a hearing disability because you don't want to pay for the cost of the interpreter. That would stand for an employment setting for a day habilitation program, wherever you are at.

Male: Right. And the state.

Female: But.

Female: Correct.

Male: In paying for service.

Female: Correct.

Female: This is Susannah. Marissa has been shaking her head yes until you said the state in paying for services, then she stopped.

Female: This is Marissa. There is a law. ADA, and the expectation is, is -- that everyone in the service system is compiling with the law. Just as, as an individual goes to a doctor for a doctor appointment, if they require interpreting services the doctor's office is to provide that, that support. You know if an individual is, working together with their case manager to develop their plan, the expectation is that, that person requires communication support that the division has brought in an interpreter to provide that level of support. So in a-- in an employment setting if the coach, the job coach, um, is there and the person requires that level of support, that the -- the support is provided by the agency providing the service.

Female: And I didn't, this is Lisa. I didn't mean to bog down on the whole interpreter. I just wanted to mention, if we're going to be considering that question, communicate in ways the client understands is not just a communication device or a language, it would be the use of an interpreter.

Female: So this is Terry. So we will have the word Smith that question to include all communication.

Female: Thank you, Terry, for summing that up. This is Susannah.

Okay. We're moving on.

Female: Oh. Next one.

Female: Sorry.

Female: Quickly it is 11:33.

Female: The pressure is on.

Female: So we're behind schedule. We never got to reviewing the questions.

Female: All right. Seven, freedom from being bullied or intimidated.

Female: You keep going and I'm bringing it up.

Female: Okay. Do you and other caregivers know what to do if she or he has a problem with the caregiver or service and B, know that his/her complaint is anonymous. What I added on A is, um, would it be necessary to put our job coach or other employees. Because this is saying caregiver. With the caregiver or service.

Female: It's confusing. The wording.

Female: Yeah.

Female: This is Terry. Did I see on another assessment that they actual had, that it be posted --

Female: Yeah.

Male: Probably.

Female: I think that might be a great idea.

Male: Uh-huh.

Female: Where the clients can read it so they know what to do.

Female: Uh-huh.

Female: Register.

Male: This is Gary. That's actually a DDDS policy requirement. That is already in effect across the board.

Female: Okay.

Male: Well, it's supposed to be.

[Laughter]

I assume it is.

Female: That's one of the things that --

Male: --

Female: This is Terry. That is one of the things on the assessment that can ensure is being done. That those policies.

Female: Is the -- the question, you know, the, to simplify it.

Female: Let's see. C. Do you and other caregivers listen -- -sorry.

Female: Listen to the client if she or he has concerns. That's down a ways. And then I wrote, do you share his or her concerns with the provider and group home, guardian, family member. The reason why I wrote that, because in my opinion, if a client has a concern, they -- a lot of times, I think, internalize and may not want to speak to -- someone at work about it, but may need to feel safer talking to a family member or, um, a guardian or a sibling. So I just thought that, that should be, added, in my opinion, that should be added. Listen to the client. But you can listen all you want, but maybe take a second step.

Another step with it.

Female: Scale. I agree with that.

Female: How many of these are left?

Female: Oh. We don't have to finish. It is 8. 9, 11, 11.

Female: This is Susannah. It's -- 25 of 12:00. And we're pretty much behind. I would just offer to say that I -- I liked Hawaii and I kept saying that and it has brought about a lot of questions really about the person. That's why I like it. It is really focused on the person.

So it keeps generating conversation. I don't think, I don't think we should short change it because it is not like Minnesota and it doesn't have all of its little boxes doesn't have all of those things that other states have done. But I think right now, we're in a time crunch and I think, I'm looking at our timeline and what we've accomplished thus far and what we have to accomplish to be on target and we should have by today gone through and had all our questions thrown up against the wall and be able to -- um, eliminate duplicates and to move through into, um, establishing a group of core questions.

Next week we're supposed to put those into the -- four services, although we had some debate about that. And we haven't really locked into whether we're going to do one or do an opening. So I'm a little concerned about continuing to drill down into this and I think we need to come up with a revised plan.

Gail?

Female: What would we be drilling down into? Just Hawaii?

Female: No. Drilling down into what, what we need to do to be complete by the end of our timeline.

That's, that's, I think we need to look at that now.

Female: Then how will people, Gail, finish Hawaii? If we can't go through the next two pages or just on our own?

Female: No. This is Susannah. One suggestion would be that we need to spend more time with each state. So we have to revise our timeline. That's, that -- that seems to be what Gail is suggesting right now.

Female: Yeah. I'm just concerned that this is the second time we're coming to the place that we're stopping with Hawaii and never get through it.

Female: Right.

Female: This is Lisa. Maybe a completely and totally unpopular suggestion, I'm certainly not interested in spending more time, but maybe we need to add a half hour to our meetings, the rest of our meetings. Or have one additional meeting to catch up. Those would be some suggestions I would throw on the table for the group to, so that we can complete, as Gail suggested, finish review, um, just, just, thought the table.

Female: Marissa is giving me a side note here. This is Susannah, of 9:30 to 12:30. Would everyone be willing to do that? Is there anyone who can't do that?

Female: I probably.

Female: That's.

Female: I can't go to 12:30.

Female: Would you mind if we did? And, Catina, would you mind if we start without you?

Female: Not at all.

Female: And eat lunch.

Female: So this is, we're going to start our meetings.

Female: And have time for lunch at 12:00. So --

Female: We're revising our time, it will be 9:30 to 12:30 for the next, at least, the foreseeable future, at least next week, we'll see how that goes.

Female: May have also make another suggestion now that we're in a routine of our meetings is that we can all agree, like the first agenda parts and reading the rules and everything, that we saw that we agree to it and check-off.

Female: Okay. Because they really take five minutes.

Female: It does. But I think it is five minutes we can move into the meeting.

Female: Okay. These things are just going to be on the agenda. We're just all going to say, after we introduce ourselves, we agree to the next three steps of the agenda. Everyone is okay with that.

Male: This is Gary. I would also suggest that we forego the five-minute late rule. And start on time.

Female: Yeah.

Male: Were all adults. You know.

[Laughter]

Female: Okay. Introductions. If there is no one new. Just for introducing.

Female: We have our nametags.

Female: Right.

Female: This is Gail. I will not be here at 9:30.

Female: Okay. And, but are you okay with us meeting, starting at 9:30.

Female: Just so you don't do anything I disagree with.

[Laughter]

Female: That's a little bit tough, Gail.

[Laughter]

Female: I also, do we have to go through the rules every week?

Female: No. We just discussed not doing that.

Female: Great.

Female: We're going to eliminate that.

Female: No introductions.

Female: Unless there's few people in the room. I think that it is fair.

Female: Okay. Lisa.

Female: This is Lisa. I was going to say if we feel very strongly, they are listed on the agenda, we could post them in the room if it just -- if people were interested in that. But -- I don't know that it's necessary that we do that, because we reviewed themselves times now and we're all in agreement, but --

Female: This is Terry. We have them in front of us on the agenda. So --

Male: Uh-huh.

Female: I'm sorry. This is Susannah. I'm going to list them on the agenda, but we're not going to do them. Correct?

Female: Yes.

Female: Everyone is good with that.

Female: Yes.

Female: Okay.

Female: So this is Terry. Just to save time are we pretty much, I know some people like Minnesota, some people like Hawaii, is there a thought of taking questions from both?

Female: This is Lisa. I had intended to try to take all of the survey tools that we looked at and discussed, list every question unless they were questions that we completely determined that we didn't like, list them and then have a check box. So that we could go through and say, yes. We think, day HAB, pre VOC, supported employment, group-supported employment. So we would be able to see where they fall.

Female: Take out the repetitive ones.

Female: Take out the repetitive ones. And then be able to format and wordsmith. But I did not have a chance to put all of them together with a check box so we could look at and based on our timeline today, we didn't get --

Female: So this is Susannah. Is there someone that could help you do that? I would happily help you, but I --

Female: I have part of them already done. Like, just adding a check box is easy. Um, that's not difficult. It is actually taking the, the time to take the, the questions from the documents and then put them onto a central -- Dropbox.

Female: Do you feel confident that you can have them ready by -- Tuesday of next week.

Female: I feel confident that I can have them ready.

Female: 4:00.

Female: 4:00. I feel confident that I can have them ready by Monday at 4:00.

Female: Okay. We're going to hold you to that.

Male: We'll double your pay.

[Laughter]

Female: Probably --

Male: Two times zero.

[Laughter]

Female: Okay. So um, this is Susannah. So Lisa's going to have those ready for us. She's, I'm going to send them out to you. She and I are going to review them on Monday. I am going to send them out to you by 9:00 a.m. on Tuesday morning. So you have a chance to look at them before the meeting on Wednesday. We're holding Lisa to that. All of us will help her if she sends up red flags.

Female: If I will, if I'm having snags by Friday, midday, I will --

Female: Call me.

Female: Holler.

Female: Sure. We'll do it on the weekend.

[Laughter]

Female: Well, and, yeah.

Female: So next week our meeting will primarily be looking through all that and seeing if we're all onboard with what's been collated together and what's been omitted and then we can work on format and wordsmithing.

Does anyone have anything else to add.

Female: This is Terry. Just one more thing. Are we going to decide this next time? Do we know if we're having the four assessments or the one?

Female: It's Catina. I think through the exercises of putting the check boxes, if we see that there's a lot of that are hitting all of them, then that's going to be a core question. If we see that it is soft, I think

supported employment is going to be the one that's going to derail itself from the other services.

Female: Yeah. That makes sense. Thank you.

Female: Okay. So we will determine the one, four, or core next week. Once we look at the check box that Lisa has committed to have to me by Monday at 4:00 p.m.

[Laughter]

Female: Yes. Ma'am.

Female: This is Denise. I find it highly frustrating. There are some of us. Like I'm retired. So I do not have access to a work computer where I can print all of the pieces of paper. It is highly frustrating to sit here and participate when you don't the documents, you can't see them, in front of you to look at. I do look at them on my computer at home, but I can't --

Female: This is Susannah. I'm committed to not printing out everything 16 times for everyone at the meeting. But if you have a special request that you do not have a printer -- notify me and I will make copies for you. Everything that we're going to be using at that meeting. Does that solve that for you, Denise?

Female: Considered notified.

Female: Okay. I'm notified by Denise. I'm not printing out any other copies, but I will printout copies for Denise. Okay. Anyone else has a problem, please let me know, and either myself or Marissa will print them out.

Female: This is Barbie, I can print out the stuff for Marissa -- not Marissa, excuse me, Denise.

Female: You shouldn't have to use your home printer.

Female: Yeah. I know.

Female: She is choosing me, Barb.

Female: Okay.

[Laughter]

Female: She is the chair. It is her right.

[Laughter]

Female: Okay.

Female: This is Marissa. I will -- um, volunteer to use our resources to make those copies and to have, perhaps three copies available for those who have to have difficulty accessing, um, resources to, to, to download and copy the reams of paper.

Female: Great. Thank you, Marissa.

Female: Sure.

Female: Um, Tom? You've been very quiet at this whole meeting.

Female: You just keep my straight.

Female: He's sleeping.

[Laughter]

Female: Okay. Um --

Female: That's scary.

Male: You're in trouble.

[Laughter]

Female: He asked me a question.

Female: Okay. This is the part of the meeting for public comment. We have -- three people here from the public who are not on this committee. Offering up -- the table for you to speak. Bill?

Male: I really agree with the voting part that it goes to residential because we're sitting around here and I'm hearing everybody arguing and you have a June 11th deadline and you really need to get this done on this dayside. And we're having the same problem on the residential side. Where everybody is arguing --

Female: I take an objection. I don't think we argued. I think we had lively discussion.

Male: May we say disagree?

[Laughter]

May we say disagree.

[Laughter]

Female: Okay. All right.

Male: But I think the voting should go to residential and lets them disagree.

[Laughter]

Female: I'm sure --

[Laughter]

Bill is on that committee. You with weigh-in there, Bill.

[Laughter]

Female: Yeah.

Female: Vicky?

Female: I'm good.

Female: Lisa?

Female: I'm good.

Female: Okay. Then we're ending early. Next week we will be ending late. Maybe we should bring lunch.

[Event concluded]